

Kluwer Competition Law Blog

CPC activity during COVID-19 crisis

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On 13 March 2020 the government declared a national state of emergency as a result of the ongoing COVID-19 crisis. The state of emergency is currently in force until 13 May. This article outlines the impact of this declaration on Commission for Protection of the Competition (CPC) activities.

CPC operations

Currently, the CPC is operating under the following regime:

- As of 9 April 2020, hearings of the authority may be held online. The authority must take the necessary measures to ensure the participation of the parties.
- Pending deadlines under administrative court proceedings are suspended as of 13 March 2020 until 13 May 2020. As of 16 March 2020, proceedings are not initiated under newly filed claims with a few exceptions where court hearings are still allowed. Case check-ups are being conducted primarily via telephone or email based on the contact details provided for the proceedings.
- Documents are being filed primarily via post or email (merger and antitrust filings remain admissible, but no new cases will be initiated while the state of emergency is in force).
- Third-party access to the CPC is limited except for access to the registry office.

Competition law enforcement

The CPC is part of the European Competition Network (ECN) and, as such, is part of the [Joint statement by the ECN on application of competition law during the Corona crisis](#). In addition, in its notice of 25 March 2020, the CPC published its own statement in which it underlined that, irrespective of the state of emergency and the extraordinary circumstances resulting from the COVID-19 crisis, market participants must still comply with competition rules and cannot prevent, restrict or distort competition.

Given the utmost importance of ensuring that products considered essential for protecting consumer health such as face masks and sanitising gel – as well as goods considered necessities – remain available at competitive prices and in constant supply, the CPC has emphasised that it will closely observe the pharmaceutical and food markets.

The CPC notice reiterated that companies may adjust their market behaviour to the developing COVID-19 situation; however, any adjustments must be proportionate and comply with competition law (eg, manufacturers may impose maximum resale prices to limit unjustified price

increase at the distribution level).

The CPC will not actively challenge necessary and temporary measures put in place by cooperating companies to avoid supply shortages. If companies have doubts about the compatibility of such cooperation initiatives with EU, EEA or Bulgarian competition law, they should reach out to the CPC for further guidance and instructions.

The CPC notice also requests end customers to cooperate in finding unfair practices. As such, natural persons may signal competition law breaches to the CPC via email (in the ordinary course of business, signals are accepted only by citizen-competitors).

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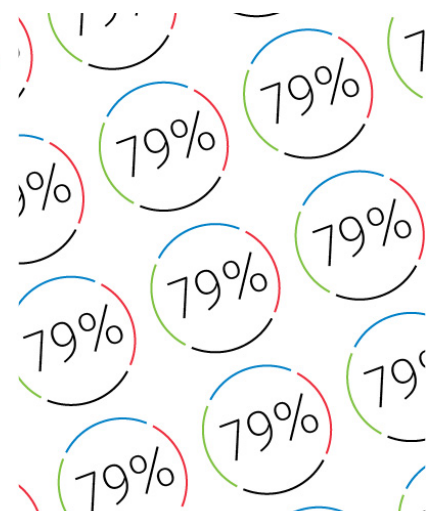
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